IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1467 of 2001 (S/S)
(Old No. 45904/1999)

Suresh S/o Kishan,
R/o Block No.1, Math Kota,
Udham Singh Nagar,
Dainik Krishi Sharamik,
G.B. Pant University of Agriculture & Technology,
Pant Nagar, Udham Singh Nagar. …. Petitioner

Vs

1. Vice Chancellor,
   G.B. Pant University of Agriculture & Technology,
   Pant Nagar, Udham Singh Nagar.
2. Chief General Manager, Farm,
   G.B. Pant University of Agriculture & Technology,
   Udham Singh Nagar.
3. Establishment Officer,
   G.B. Pant University of Agriculture & Technology,
   Pant Nagar, Udham Singh Nagar. … Respondents

Mr. Manoj Tewari, Advocate for the petitioner.
Mr. Rajendra Dobhal, Advocate for the respondents.

Date: 17 August, 2006

Hon'ble Rajesh Tandon, J.

Heard Mr. Manoj Tewari, learned counsel for the petitioner and Mr. Rajendra Dobhal, learned counsel for the respondents.

2. The petitioner has sought a writ of mandamus directing the respondents to pass orders with regard to the correction of his age as per Medical Certificate dated 04.03.1991 and in view of the Government Orders dated 9.1.91 and 21.10.91.

3. It is stated by the petitioner that he made a representation in this regard on 28.04.1999, but no order is passed on his representation. In this regard, relevant paragraphs 10 & 12 of the writ petition are quoted below:

> "10. That since the petitioner's date of birth was not corrected, he moved an application before the opposite party no.1. A true copy of the application dated 28.4.99 is being filed herewith and marked as Annexure '4' to this writ petition.

12. That the representation of the petitioner is pending before the opposite party no.1 and his date of birth has not been corrected."

4. A counter affidavit has been filed on behalf of the respondents. In paragraphs 12 & 13 of the said counter affidavit, above-quoted paragraphs 10 and 12 of the writ petition are replied as under:

"12. That in reply to the contents of paragraph no. 10 of the writ petition it is submitted that the representation of the petitioner in this behalf has already been rejected once.
13. That the contents of paragraph nos. 11 and 12 of the writ petition are denied. The representation of the petitioner has already been rejected, there is no question of altering the date of birth entered in the EPF Register."

5. Thus, it is apparent that an order has already been passed on the representation of the petitioner rejecting the said representation.

6. Hence, now nothing survives in this writ petition for decision and the remedy available to the petitioner is to challenge the said order, by which his representation has been rejected.

7. In view of the above, this writ petition lacks merit and is hereby dismissed.

(Rajesh Tandon, J.)

17.8.2006
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